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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 570th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 28 September 1999, at 10 a.m.

Chairperson: Mrs. MBOI

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Mali

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.99-44427 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Mali (CRC/C/3/Add.53; HRI/CORE/1/Add.87; written replies by the Government of Mali to the questions in the list of issues (document without a symbol distributed at the meeting)

1. At the invitation of the Chairperson, Mrs. Thiero, Mr. Mohamed Maiga, Mr. Ballo, Mr. Bonaventure Maiga, Mr. Traore and Mr. Koita (Mali) took places at the Committee table.

2. Mrs. THIERO (Mali) said that Mali had been one of the first States to ratify the Convention, which had come into force in the country on 20 October 1990. Mali had co-chaired the World Summit for Children, held in September 1990, and had been one of the six States designated in 1999 to monitor follow-up until 2001.

3. The National Assembly of Mali had entered a reservation to article 16 of the Convention, on the grounds that that article was incompatible with the Family Relations Code, but a process paving the way for a withdrawal of the reservation was under way and a decision would be taken in the near future.

4. The presentation of Mali's initial report had been delayed by events which had marked the social and political life of the country during the 1991-1995 period, when the institutions of the Third Republic were being set up. The initial report and the draft periodic report prepared in 1998 had been drawn up in four stages: appointment of a small drafting committee including a representative of the Malian Coalition for the Rights of the Child (COMADE); meeting of the Inter-Ministerial Monitoring Commission; meeting to approve the initial report, attended by ministerial departments, representatives of associations and NGOs active in the field of child welfare; and meeting of the Inter-Ministerial Commission prior to the adoption of the report by the Council of Ministers.

5. One of the major factors mentioned in the initial report had been the drafting and implementation of the National Plan of Action on the Survival, Development and Protection of Children (1992-2000), adopted in 1991. Under the Plan, during the time span covered by it, a debate was to be held on policies to promote the rights of the child, a matter regarded as a national priority. Furthermore, civil society was beginning to found organizations to protect and further the rights of the child; consequently, more than 1,000 associations and non-governmental organizations (NGOs) were active in the sector of social development and assistance to children and families. The targets of the National Plan of Action had not, however, been evaluated or updated and the monitoring machinery and apparatus set up for that purpose had not functioned perfectly, since the activities carried out by the State and its partners had not always been coordinated. That was what had prompted the authorities of the Third Republic to found institutions and devise policies and programmes to deal with the specific obstacles facing children, women and families. In that connection, special mention had to be made of the setting up in September 1997 of the Ministry for the Advancement of Women, Children and the Family (which she headed) and of its regional and

local offices, together with the Inter-Ministerial Commission, the Joint Government-NGO Commission and the Forum for Democratic Discussion (EID). The Ministry was responsible inter alia for monitoring the implementation of the Convention.

6. Since 1996, some innovations had been introduced, including an analysis of the situation of women and children in accordance with the provisions of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, which in practice had been translated into the programme of cooperation between Mali and the United Nations Children's Fund (UNICEF) (1998-2000); the current reform of family law; the Ten-Year Programme for the Development of Education; the Ten-Year Sanitation and Social Development Plan; and the Ten-Year Programme for the Development of Justice. All those programmes formed part of the campaign to alleviate poverty and social exclusion, that being the main goal which the President of the Republic, Mr. Konaré, had set himself for his second term of office. The main thrust of the Government's strategy to help the poor, which had been presented to the country's technical and financial partners at the Round Table on Mali convened in Geneva in September 1998, was to: enhance the economic, legal, social and cultural environment; promote income-generating activities and self-employment; facilitate access to financial services and other factors of production; boost the performance of and expand the agro-foodstuffs sector; facilitate access to education and training; supply basic health services, food resources, drinking water and sanitation; improve housing conditions; and efficiently coordinate poverty alleviation strategies.

7. Between 1993 and 1998, Mali had devoted 13 per cent of its budget to essential social services, a figure below the 20 per cent recommended at the World Summit for Social Development, held in Copenhagen in March 1995. The reason was that Mali was still one of the poorest, most heavily indebted countries in the world, but if it were to be included in the list of countries which would be granted a debt remission by the end of 1999, it could allocate more resources to basic social services.

8. Within the framework of special measures to protect children, priority had gone to action in the field of juvenile justice, initiatives to prevent the trafficking in and unsupervised adoption of children, violence against children, child labour and the exploitation of children. Moreover, the Government and its partners were especially committed to steps to halt intolerable forms of child labour, the transfrontier trafficking in children and excision.

9. In 1998, Mali had ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and Their Destruction and had recently convinced the Economic Community of West African States to accept the moratorium on the import, export and manufacture of light weapons.

10. In addition, the Government has supported the creation of a children's parliament and the building of a children's city, where the seat of the parliament was located. In coming years, it intended to focus on social mobilization, education and the training of persons who looked after children.

A large-scale programme of peace studies would be introduced in schools and in social and political circles with the assistance of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other United Nations agencies.

11. Lastly, she wished to thank UNICEF's office in Mali, both personally and on behalf of the Government, for its unwavering support for the Government's action.

12. Mrs. OUEDRAOGO said that, on the whole, the drafters of the report had followed the Committee's guidelines and she appreciated the efforts made to adhere to the recommended layout. She noted that the information supplied had been corroborated by other sources.

13. Nevertheless, she regretted that when the Government had drawn attention to the challenges ahead, it had not mentioned the worrying issue of child domestics. Similarly, frequent reference had been made to the legislative context, whereas it would have been preferable to provide a general picture of the implementation and efficacity of laws. She regretted the absence of information about programmes and proposals designed to improve the implementation of the Convention and wondered to what extent it had been possible to give effect to those proposals in Mali's current economic circumstances. As the statistics shown in the report did not give an overview of the situation of children, she requested clarification in that respect.

14. She was pleased that Mali was thinking about withdrawing its reservation to article 16, a move which would be hailed by the Committee. How much consideration was given to the rights of the child in the Forum for Democratic Discussion referred to in paragraph 45 of core document HRI/CORE/1/Add.87? Could children put questions to members of the Government there? What arrangements had been made for children to have contacts with the Higher Council on Communication and the Committee for Equal Access to the Media? Had the Code of General Social Protection incorporating the draft Code on the Well-Being of Children and referred to in the written answers, been adopted? She asked for fuller information about one of the responsibilities of the Ministry for the Advancement of Women, Children and the Family, namely the provision of regional services, especially in the form of financial and human resources. With regard to the monitoring and implementation of the National Plan of Action, she wished to know whether regional services coordinated sectoral plans at regional level.

15. Mrs. KARP observed that, in spite of the difficulties Mali was experiencing, it appeared to have a genuine political will to apply the Convention. She welcomed the fact that the State party was contemplating the withdrawal of its reservation and urged it to do so, especially as the reservation ran counter to all the efforts described in the report. She was also gratified by the decisions taken on anti-personnel mines.

16. What obstacles were there to Parliament's adoption of the draft Code on the Well-Being of Children? That statute dealt with only some aspects of children's rights, namely child welfare provision by the social services and the protection of children, but it did not regard the latter as persons with

rights, an attitude which was likewise reflected in the way the statistics had been compiled. Did legislation have due regard to freedom of expression, the right to privacy and the protection of children's physical integrity?

17. She was pleased that the young Speaker of the Children's Parliament was going to participate in the forthcoming celebrations to mark the tenth anniversary of the Convention. Turning to the follow-up to that parliament's decisions or recommendations, she wished to know if there were any plans to introduce additional machinery to ensure that they eventually resulted in the drawing up of amendments. Since working children were not represented in the parliament, what steps had been taken to enable them also to participate in its work?

18. What mechanisms permitted closer supervision of the coordination of and follow-up to local authorities' activities?

19. Mrs. TIGERSTEDT-TÄHTELÄ asked if there were any further inconsistencies between customary law and the Convention apart from the one mentioned in the written replies, in other words the difference of interpretation between certain provisions of the Convention and customary law concerning inequality between girls and boys with regard to inheritance and adoption. Were there any plans for the gradual elimination of those divergences?

20. Were children appointed or elected to the Children's Parliament? How old were the members? How did that body operate?

21. Mr. DOEK expressed his admiration for the Malian Government's labours to implement the Convention in general and to present the initial report to the Committee. Referring to the reply to the first question on the list of issues relating to article 116 of the Malian Constitution, he asked whether the fact that the Convention took precedence over national law meant that it could be relied on directly in court, and whether the Convention also ranked higher than customary law. As for the answer to the second question about the implementation of the Convention, he wished to know how responsibilities were divided between the Inter-Ministerial Commission for the Implementation of the National Plan of Action and the Ministry for the Advancement of Women, Children and the Family. Noting that in reply to the fourth question, it was stated that Mali had not established an independent monitoring body to handle complaints of children whose rights had been violated, but that such channels did exist in practice in the form of associations which worked for the defence and protection of children, he asked if that system was intentional and satisfactory, or if those arrangements were temporary. Was Mali considering the possibility of appointing an ombudsperson, one of whose duties would be to receive children's complaints? Were the organizations which strove to defend children's rights and which received complaints entitled to refer matters to a court, or did they tend to play a counselling and informative role?

22. Mr. RABAH, having noted that the reply to the first question spoke of a difference of interpretation between certain provisions of the Convention and customary law, especially in respect of adoption, asked what form adoption took in customary law and whether it was that of the adoption system laid down by Islamic law. Was it conceivable that customary law on the subject might be altered? Moreover, it would be interesting to know in what way NGOs

cooperated with the Ministry for the Advancement of Women, Children and the Family and precisely how the Convention was disseminated in rural areas. Lastly, while the existence of the Children's Parliament could only be welcomed, it would be useful to know which children took part in it and if children from rural areas and all communities were represented.

23. Mrs. SARDENBERG commended Mali's endeavours to implement the Convention, welcomed the high level of the delegation which was presenting the initial report and said she thought that the Committee benefited from a direct dialogue with experts and the Minister for the Advancement of Women, Children and the Family. She encouraged Mali to withdraw its reservation to article 16 of the Convention and paid tribute to the authorities for having co-chaired the World Summit for Children in 1990 and for having been entrusted with the follow-up to the World Summit until 2001. The democratization in progress in the country seemed to be a good opportunity to reconsider all provisions concerning children and to give children their rightful place in the spirit of the Convention. Furthermore, the decision of the Malian authorities to scrap their stock of anti-personnel mines could only be welcomed. That action was the outcome of cooperation with international and non-governmental bodies and it fell within the purview of article 45 of the Convention.

24. She also desired more detailed information about a number of points. In the oral statement, it had been asserted, with reference to the National Plan of Action, that monitoring and coordination machinery and apparatus had not functioned perfectly. What was the exact position? Were the Malian authorities still adhering to the National Plan of Action? As Mali had ratified five of the six basic human rights instruments, was the Government contemplating ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment? It seemed that peace had been restored in the north of the country after a period of disturbances. What impact had the conflict had on children and what was the exact situation at the moment? Did the Malian authorities rely on local chiefs to circulate the Convention and did they publicize the Convention in schools and remote communities? Lastly, it appeared that the system of indicators was not in operation. Was Mali receiving international cooperation in that respect?

25. The meeting was suspended at 11 a.m. and resumed at 11.15 a.m.

26. Mrs. THIERO (Mali) explained that, as far as legislation on children was concerned, the Code on the Well-Being of Children and the Code of General Social Protection had been drawn up by the Ministry of Health, which had been responsible for children's issues at the time. Thereafter they had come within the remit of the Ministry for the Advancement of Women, Children and the Family, which was in the process of revising all existing provisions on children, with a view to amending and supplementing them in the light of the Convention, while at the same time ensuring that all the needs of children were taken into account. Once that work had been completed, the draft code would be tabled in Parliament.

27. The Forum for Democratic Discussion was a platform where the whole Government answered questions from Malian citizens about human rights violations including, of course, infringements of children's rights. Anyone who wished to put a question had to write to the Ministry of Justice, then

read out the question themselves or have it read out by someone else. Questions had been raised, for example, about the malfunctioning of the adoption system and child labour. They had led to the setting up of commissions to look into those issues.

28. Customary law might conflict with some principles of the Convention. That was why the authorities were reviewing all codes in order to fill in gaps and introduce the requisite reforms. At all events, the Convention was legally binding, but the authorities thought that in order to avoid problems, it was also wise to embody its provisions expressly in municipal law. The Criminal Code and the Code of Criminal Procedure had already been revised and the revised texts sent to the Bureau of the National Assembly. The Family Code was being revised. In the process, some provisions on inheritance would be amended so as to correct inequalities which put girls at a disadvantage.

29. No distinction was made between girls and boys when it came to adoption. There were two forms of adoption: fostering and full adoption. A commission had been established to afford greater protection of the rights of children who had been fully adopted. Full adoption was open to abuse and led to intolerable situations; for example nothing was known about the fate of many war orphans who had been adopted. Anyone could turn to the Committee for Equal Access to the Media; since children's rights could not be dissociated from human rights, children could also apply to it for help. NGOs worked in partnership with ministries; they offered suggestions and acted as barometers for the Government. By and large, relations between them and the administration presented no major difficulties. The Ministry for the Advancement of Women, Children and the Family collaborated closely with associations working for the defence of families and children; for example, officials from the Ministry accompanied by representatives of NGOs and UNICEF had gone to the border of Côte d'Ivoire to obtain some idea of the ramifications of the cross-border trafficking in children.

30. Women and children who had been abused could turn to NGOs, which consulted lawyers who provided victims with legal guidance and counselling. NGOs could also publicize complaints they had received from children at the Forum for Democratic Discussion, because they were entitled to question the Government on behalf of children. The Government intended to appoint an ombudsperson, to whom all human rights violations, and therefore violations of children's rights, could be referred. The Convention against Torture had been ratified.

31. Mr. Mohamed MAIGA (Mali) said that the effects of shortcomings in the follow-up to the National Plan of Action had made themselves felt as early as 1996, when it had become apparent that there had been no systematic monitoring. The establishment of the Ministry for the Advancement of Women, Children and the Family in 1997 and the setting up of various national, regional and local bodies ought to improve matters. All those who played a role in the execution of the Plan were sorely in need of training; in that respect, Government aid could be reliably expected, but assistance in the form of international cooperation under article 45 of the Convention would also be desirable. The Ministry for the Advancement of Women, Children and the Family was striving to sort out the difficulties of the Inter-Ministerial Commission

responsible for monitoring the implementation of the Plan of Action and it was revising the Plan of Action and the text providing for the establishment of that Commission.

32. The Children's Parliament had come into being in 1995 and had been given legal status in 1996 through a ministerial order. Basically, it was a platform for expressing views and asking questions. Its members were aged between 10 and 18. The members of the Children's Parliament were selected first at regional level, where children were proposed by NGOs, municipalities or schools. Divers categories of children were represented: schoolchildren, working children, the disabled, children from rural areas, etc. The selection system could certainly be improved. The children from regional parliaments selected members of the national Parliament. The latter received State support, but it also needed international aid. The Children's Parliament had just adopted its rules of procedure. Standing Committees had been set up on child labour, education and recreation, health and well-being, participation, etc. Question time was one of the main channels of expression of the Children's Parliament. For three hours, the Members of Parliament were entitled to quiz the Head of State, the Cabinet, senior officials, NGOs and civil society about topics which were of interest to them. For example, in the past, the children had called for a children's city, a request which had been granted. Children also put forward recommendations. The persons to whom the questions and recommendations had been submitted reported on the action taken on them at the Parliament's following session.

33. It was true that it had not been easy to compile special protection indicators and support in that respect had been requested from UNICEF. It had, however, been possible to work out the range of indicators (listed in the written reply to question 5) and methods of data collection. A subsystem of social information was being introduced, albeit with some delay, under the Sanitation and Social Development Plan. The creation of that vital information system was a real challenge, but the system ought be introduced during the year 2000.

34. Mr. BALLO (Mali) said that social indicators formed part of the blueprint for the sanitation and social information system. In 1998, after the Ten-Year Plan had been adopted, the Malian Government had determined the list of indicators but, having noted that some sets of information were lacking, it had had to devise a subsystem of social information which included indicators in that field.

35. Mr. Mohamed MAIGA (Mali) stated that in Mali the notion of children's rights was inseparable from that of human rights. The Government intended to devise an extensive peace studies programme which would take concerns about children's rights into account. The Convention was already on the curriculum of some teacher-training colleges.

36. Mrs. THIERO (Mali) said that many girls left home to work in towns in order to help their mother collect their trousseau. Those girls were called "migrant working girls" or "domestic helps". A programme to back women's advancement had been formulated with the assistance of various women's associations and NGOs, in order to provide support for those young girls, offer them literacy courses and protect them from certain employers. There

were more than 4,000 migrant working girls in Mali and the theme of the previous African Children's Day had been "Halt the exploitation of migrant working girls". That social phenomenon had existed for generations in Mali, but some unwelcome developments had unfortunately been noted. Her country was aware of its obligations and, as a signatory of the Convention, it would take all requisite steps to protect those girls. No reliable statistics yet existed on that subject. A national programme formulated by the Ministry of Employment, the Civil Service and Labour dealt with the work of migrant girls and was aimed at ending intolerable forms of child labour, despite the country's poverty. As far as discrimination against Tuareg children was concerned, she explained that Mali had suffered from uprisings which had precipitated the displacement of population groups to neighbouring countries. Once peace had been restored, those groups had returned and settled again. Tuareg children were no different from others. They went to school like all other children. Previously, nomadic teachers had followed parents and children on their journeys. Measures were currently being taken to settle those peripatetic schools and create another system so that children could exercise their rights without discrimination. Bonds had existed between the different population groups for centuries and many of the Malian Government's development projects were targeted on the north of the country.

37. The Inter-Ministerial Commission had been set up before the Department for the Advancement of Children. Responsibilities now had to be transferred from the Commission to the Department. A convention ratified by Mali was legally binding, but since there was a high level of illiteracy in the country, all codes were systematically read out again so as to make the provisions contained in international instruments more widely understood. To date, no one had tried to rely on the Convention at the expense of customary law. The preamble to the Constitution rendered null and void the country's reservations to article 16 of the Convention and the Ministry would be withdrawing those reservations in the very near future. As for the dissemination of the Convention in the countryside, she announced that instructors had been trained to publicize translations of the Convention into the national languages of Bamanan, Soninké, etc., in rural areas. Nevertheless, the country needed international aid to translate it into the many other languages spoken and written in Mali. Fifty thousand booklets had already been distributed in schools and it was interesting to note that children were better acquainted with the Conventions's provisions than were adults. Everything was being done to circulate the Convention and the African Charter on the Rights and Welfare of the Child, so that their principles would be applied more faithfully. The traditional chiefs were associated with steps to disseminate the Convention, as they were able to spread the messages of the Malian Government.

38. The CHAIRPERSON invited the members of the Committee to ask questions about the sections of the list of issues concerning general measures of implementation, definition of the child and general principles.

39. Mr. RABAH enquired whether measures were being taken to raise the age of consent to marriage, especially of girls, the age of consent to sexual relations and the minimum age of employment. It would be interesting to know the reasons underlying Mali's reservation to article 16 of the Convention.

40. Mrs. KARP asked what share of international aid was allotted to children's development. In addition, it would be useful to know if the human rights ombudsperson would also be instructed to examine violations of children's rights. Lastly, she requested more detailed information about children's participation in daily life and wondered whether a child's views were always respected in practice and not just in the Children's Parliament.

41. Mrs. OUEDRAOGO asked how far the three subcommissions (survival, development and protection) of the Inter-Ministerial Commission took the principle of participation into account. As for the implementation of article 4 of the Convention, she wished to know what steps were being taken in order to implement the 20/20 Initiative recommended by the United Nations. Noting that securing certain rights to children was meeting with some resistance in Malian society, she asked what measures and strategies were planned to remove those obstacles to the effective implementation of the Convention. Pointing out that it was necessary to do more than simply ensure the well-being of children, she inquired how much attention had been devoted to the notion of a child as a person with rights on African Children's Days. Referring to the weaknesses listed in the report, she asked what steps were being taken to involve the media more closely and to correct the excessive centralization which was hampering the implementation and monitoring of the Convention. She stated that, in the Committee's opinion, the best solution to the dearth of financial resources, a problem shared by most developing countries, was to maximize the use of available resources and establish priorities accompanied by deadlines. As far as information and publicity regarding the Convention were concerned, what progress had been made with the measures outlined in the report and what stumbling blocks were being encountered in that respect? What links existed between the annual forum on children's rights and the Children's Parliament?

42. What measures were being adopted to end the practice of early marriage? Were marriages still arranged at birth? There were some reports of discrimination on grounds of caste. What action was being taken by the Government in that connection? Furthermore, how was the principle of the child's best interests translated into practice in daily life? More specifically, what was the social situation and legal status of children born out of wedlock? She emphasized that although Malian law punished abortion, a distinction had to be drawn between theory and practice, and she asked about the numerous cases of illegal abortions, especially among teenagers.

43. Mrs. SARDENBERG welcomed Mali's ratification of the Convention against Torture and the participation of NGOs in the drafting of the report and the translation of the Convention on the Rights of the Child into national languages. She asked to what extent and how adults participated in the Children's Parliament. She requested more details about coordination procedures between the central Government and local authorities and about arrangements to ensure that results were obtained at local level. She then raised the issues of the difference in the minimum age of marriage for boys and girls, respect for children's opinions, the situation of children born out of wedlock and infanticide. Lastly, how was article 3 of the Convention complied with when governmental policy was formulated and implemented?

44. Mrs. KARP commented that, according to the report, children's testimony was accepted for information purposes only. Given that more and more children were prepared to lodge complaints of domestic violence or sexual abuse, how could such a restriction be compatible with the notion of a child as a person with rights? How could such practices be countered if the child's opinion was not respected?

45. The meeting was suspended at 12.30 p.m. and resumed at 12.45 p.m.

46. The CHAIRPERSON proposed that the Malian delegation reply at the following meeting and invited the members of the Committee to put further questions.

47. Mrs. KARP, noting that, according to the report, cases of ill-treatment of children by the police were rare, pointed out that some allegations going back to 1977 had still not been investigated. She therefore asked if there was any supervisory system to prevent such acts and to see to it that the Convention against Torture was applied. As far as corporal punishment was concerned, she asked if a formal ban was in place in reception facilities as it was in schools and how the "parents-neighbours" system for reporting corporal punishment in families operated. Since parents were authorized by law to censor the correspondence of their children, reservations had been made to the principle of respect for a child's privacy, which was set forth in article 16 of the Convention. What were the reasons for that position?

48. Mr. DOEK asked for precise information about the specialized state or non-state institutions mentioned in the report, which treated the isolated cases of children who had been maltreated. As far as the ban on corporal punishment was concerned, it seemed that complaints could be lodged against school disciplinary councils. Did a similar body exist in reception facilities? What was the registry office project to register births in remote areas and of what did it consist?

49. Mrs. OUEDRAOGO asked how births were registered among nomads. As for the travelling libraries set up alongside railway lines, she wished to know for whom that scheme was intended, why that location had been chosen and what arrangements had been made in towns which were not served by the railway. She also wished to have more ample information about the awareness programmes run in the holidays by students. At whom were they targeted and to what extent did they involve the participation of children? Taking note of the bill relating to the Film Censorship Committee, she asked if it would apply to television and all video cassettes. She pointed out, with reference to the prevention of acts of torture, that excision was still a worrying problem and wondered what the chances were of achieving a ban, in view of the fact that 75 per cent of Malian women were in favour of maintaining the practice. How and by whom were complaints or reports of the isolated cases of ill-treatment lodged? Lastly, was there any real supervision of the ban on corporal punishment in schools and were parents informed of the ban?

50. Mr. RABAH asked why Malian legislation and traditions were not consonant with the provisions of article 12 of the Convention, which related to respect for a child's views. When a child insisted on giving his or her opinion, how was it generally received in families and schools?

51. Mrs. SARDENBERG requested more information about discrimination against girls, especially discrimination connected with early marriage and about "garibus" children. Since only 30 to 40 per cent of Malian children were registered at birth, she endorsed the questions put by the other members of the Committee on that subject. Were the existing training courses also attended by traditional midwives who delivered children born outside hospitals? On the question of domestic violence, she asked for some explanations regarding community disapproval (parents-neighbours). Was that practice linked to customary law and of what did it consist?

52. Mrs. OUEDRAOGO asked how children were corrected in families if corporal punishment was really not allowed and whether parents were made aware of alternative methods. She also mentioned the question of violence among young people and asked what preventive measures were being adopted in that sphere.

The meeting rose at 1.05 p.m.

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GE.99-44439 (E)

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Mali (continued) (CRC/C/3/Add.53; HRI/CORE/1/Add.87; CRC/C/1/(Future)6)

1. The CHAIRPERSON invited the delegation of Mali to respond to the questions put by the Committee members at the previous meeting.

2. Mrs. DIARRA THIERO (Mali) said that before addressing the Committee's questions, she would like to take the opportunity to introduce the Malian children's delegation, which had come to Geneva for the forthcoming commemoration of the tenth anniversary of the Convention.

3. Forced marriage had existed in Mali prior to the adoption of the Marriage and Guardianship Code, which had revolutionized the institution of marriage in the country by requiring for the first time that spouses should consent to their union. The Code, which was already over 30 years old, had established the legal age for marriage with parental consent at 18 for boys and for girls at 15, or in exceptional cases and with the authorization of the Ministry of Justice, at 13. Both men and women could marry without the consent of their parents at 21, the age of majority. One of the Code's objectives had been to end the practice of early marriage, but it had failed to do so, as certain ethnic groups such as the Peuls and the Sarakoles continued to marry off their young at an early age.

4. With the current revision of the law of the family and in view of the possible ratification of the Convention on the Elimination of All Forms of Discrimination against Women, discrimination between the sexes would be removed, and the legal age for marriage for both sexes would be set at 18 with and 21 without parental consent. It was felt that 18 years was the minimum age required to ensure that sufficient time was devoted to schooling. A committee had been set up to combat practices which endangered the health of women and children, and early marriage had been identified as harmful. Apart from the standard-setting role the Government could play, a serious effort had to be made to raise awareness and educate the population regarding the complications that could arise from early marriage, especially in the form of certain illnesses. The Marriage and Guardianship Code had ended the practice of marriages arranged at birth by requiring a declaration of consent by the future spouses prior to the marriage ceremony.

5. In Mali, as in other African countries, castes had traditionally played a specific role as social regulators. However, there was no problem with respect to discrimination against children or for that matter any other members of specific castes in Mali, as members of castes were well received and socially integrated in Malian society. The Constitution established that all people were born free and equal.

6. The delegation took note of the suggestion to make the Ombudsman a focal point for problems related to the rights of the child. The terms of reference

of the Ombudsman's office were set by the President of the Republic. The Committee's suggestion would be transmitted to the President as soon as a meeting could be arranged.

7. Replying to a question about representation of the media on the subcommission dealing with the survival of children, she said it was true that the Ministry of Communications had not been included as a member. However, the decree establishing the subcommission was due to be revised, and its chairmanship would no doubt probably be reassigned to the Ministry for the Advancement of Women, Children and the Family. The revision of the decree would take into consideration a number of changes, including participation in the subcommission. Clearly, the media had to be involved in the promotion of the rights of the child. The Government had already made an effort to teach a large number of journalists from local and rural radio stations about the Convention, and follow-up courses were scheduled.

8. Abortion and infanticide were both illegal. It was considered that their prohibition was a safeguard of the rights of the child. While it would be difficult to hide cases of infanticide, illegal and undeclared abortion was practised by persons without medical training and did indeed take place in secret. When complications arose or a case was reported, the woman having the abortion and anyone acting as an accomplice, be it the practitioner or a friend, were prosecuted.

9. Youth organizations had the right to be heard, especially on subjects affecting their members. The mention of "respect for cultural values" simply referred to the extremely important aspect of Malian and African culture, according to which elders were to be respected and any behaviour insulting to them was to be avoided. Such values were in no way at variance with the right to freely express opinions and to take part in making decisions.

10. Mr. A. MAIGA (Mali), addressing article 12 of the Convention, said that children had a right to have a say and to take part in decisions, not only regarding the family, but also in the management of their schools and in their general environment as well. Children's associations existed in Mali and carried out their programmes with their own resources. Under Malian law, children had the right to be heard by the police, judges and lawyers. Their opinions were even taken into account when their families made choices concerning the acquisition of consumer goods, albeit within certain limits. According to the Government's interpretation, the limitations applied for instance to children engaging in illegal or harmful activities, such as drug use or viewing pornography.

11. Mrs. KARP said that she had understood that the testimony of child witnesses was considered as information rather than evidence in court proceedings. Was less weight given to the testimony of children? Were there any other procedural conditions attached to it?

12. Mrs. DIARRA THIERO (Mali) explained that statements of minors in court were duly taken into consideration by the judge, and certainly influenced the hearing of cases and sentencing. The use of the term "for information" rather than "as evidence" was perhaps attributable to the fact that Malian law derived from the Napoleonic Code and civil law rather than common law.

13. Mr. A. MAIGA (Mali) said the problem of the "garibu" children was a very sensitive issue. Those children had traditionally been led by marabouts and would, in small towns or villages, request food from the villagers. Originally, that was not problematic, as the villagers were generally acquaintances and would willingly feed the children who were studying with the marabout. However, some marabouts had begun to bring groups of 50 or 60 children to major cities, where the feeling of solidarity was much less developed. Since they had no means of support, the marabouts sent the children out to beg for food, thus exposing them to all sorts of hazards and risks.

14. There were also children who were sent to beg by their parents, many of whom were handicapped. After a period of soliciting money for their parents, children in such situations often set out on their own. Such beggars were found in all major African cities, and in Burkina Faso, Senegal and Mali programmes were being set up to eradicate the practice. Although begging was illegal, it was not easy to stop, especially when it was associated with the traditional activities of powerful religious leaders.

15. As for the dissemination of the principles and provisions of the Convention, activities to train radio commentators and journalists had been particularly intensive since 1996. There were currently 80 independent radio stations in Mali, and the Government had trained nearly 350 radio staff in the rights of the child. Many of them had also received training in social policy, so as to encourage them to take the Convention into consideration when preparing radio programmes. The Government had also produced a kit for teams carrying out training in the rights of the child, and was drawing up an information programme which would target specific groups, including women, children and locally elected leaders. In addition, in 1998 a number of officers in the security forces had received instruction in the principles of the Convention and had shown a very high degree of interest.

16. Adults took part in all the activities of the "Children's Parliament", and the regional commissions included representatives of the Government and non-governmental organizations at the local, national and international levels.

17. Mr. TRAORE (Mali) explained that children born out of wedlock enjoyed the right to seek out their parents and request recognition. There was absolutely no organized social or legislative discrimination against such children or in courts of law. No application by a child, duly accompanied by his or her legal guardian, to a judge to take measures with regard to property was ever rejected, nor was there any barrier to such children's involvement in commercial activities. However, since there was no legislation on inheritance, the transfer of property was governed by customary law. Mali was a traditional country, in which children born out of wedlock received little support in that regard. Although natural children could not obtain the transfer of parental property, they enjoyed the same rights in the courts as other children and the law prevailed in any conflict between custom and law.

18. Mr. KOITA (Mali) said his research had revealed that Mali had not maintained its reservation to article 32 of the Convention concerning employment. The minimum age for admission to employment was 14, or 13 if the

child had completed the required six years of primary education. There were some apprenticeship schemes involving the employment of younger children, in which whatever work they performed was intended as training.

19. Mr. BALLO (Mali) said he was unaware of any problems posed by the caste system in Mali, which was a domestic tradition rather than a form of discrimination. Each person had a job to do and that job was determined by marriage and family relationships. While there was no legal discrimination, other practices were also part of the caste tradition, which could not be legislated against.

20. On the essential question of public assistance and the monitoring of aid for child-specific activities, he said that because of its economic situation the Malian Government had for years focused on the most essential social services. The 20/20 initiative - whereby 20 per cent of a country's resources were earmarked for basic social services - adopted at Mali's behest, had identified a number of pilot countries, among which, ironically, Mali had not been included. Given the difficulty of differentiating between basic and intermediate services, Mali had subsequently defined what it viewed as basic social, health and education services, and had commissioned studies to target specific child-related health activities and to serve as a guide in making subsectoral, sectoral and intersectoral choices. Assessment and programming days were used to reflect on departmental and interdepartmental decisions. With regard to the question of assistance, an aid review committee, with OECD support, studied how public services and aid should be allocated across the country. Given Mali's scant resources, hard choices had to be made in order to attain the 20/20 target.

21. Mr. M. MAIGA (Mali), in reply to three questions from Mrs. Ouedraogo, said that each year on 16 June, African Children's Day, instituted in 1994, a particular theme related to the Convention was chosen and a countrywide campaign was launched. The national theme for 1999 was the child's place and role as a citizen in the community. The information campaign was implemented through the training of village, regional and national announcers on public and private stations. Although many people in rural areas and villages were still ignorant of the Convention, local chiefs throughout the country were striving to fill the gap. The Convention had been translated into the most used local language, Bamana. Non-governmental organizations (NGOs), which were much closer to the grass-roots communities, were also extremely dynamic in their awareness-raising activities. The annual national forum provided the opportunity for democratic discourse in which all segments of the population could interrogate the Government on its policies and action.

22. Mrs. DIARRA THIERO (Mali), responding to questions from Mrs. Ouedraogo and Mrs. Sardenberg on how the best interests of the child were reflected in Mali's policy, said that the draft Family Relations Code would be submitted to a nationwide consultation with reference to guardianship and filiation. Recognition of a child born out of wedlock currently rested with the father, and reform was under consideration to extend that right to the mother, the lack of which had given rise to dramatic situations in some families. The mother should have the right to claim that a man was or was not the father of her child. Sometimes a mother categorically declared on a child's birth certificate that the father was unknown, while a particular man claimed

paternity. It was felt that the man should also have the right to produce evidence of his paternity in such situations. The reform was intended to protect the best interests of the child.

Civil rights and freedoms

23. Mrs. DIARRA THIERO (Mali) said that some publicized instances of police brutality in 1977 had predated the democratic revolution that had taken place in the country, making it a free and democratic nation. Current legislation specifically forebade the police to use violence against children or, indeed, mete out cruel or degrading treatment to anyone. All persons questioned by the police, including children, were entitled to the presence of a lawyer, even during preliminary questioning by the police. The State was obliged to pay the fee if the parents could not afford it.

24. Corporal punishment was prohibited in Mali's SOS Children's Villages (SOSCV). Protection was provided by the Ministry for the Family. There was currently a text to regulate private and public child-care centres. Reported cases were thoroughly investigated, through interviews with all concerned: the child, the plaintiff, the staff, other children in the centre and parents. A report was drawn up and copies submitted to all parties for rebuttal or acceptance. A recent case in one SOS Village would shortly be ruled on by the Head of State, who was firmly committed to the protection of children's rights. Corporal punishment was banned in schools and any teacher found guilty of it was sanctioned and could be dismissed.

25. She had no knowledge of censorship of children's correspondence in schools. However, literate parents did have the right to open their children's mail in order to ensure that they did not receive communications that could endanger them or did not indulge in deviant behaviour. The purpose was not to deprive children of their rights, but to preserve a degree of parental control in protecting their best interests.

26. Female genital mutilation was practised by 98 per cent of the population, and a poll of women had shown that they wished to continue the practice. Her Ministry, the Ministry for the Advancement of Women, Children and the Family, had prepared, through the National Action Committee to Combat Practices Harmful to the Health of Mothers and Children, which she chaired, a plan of action to run from 1999 to 2008, in an effort to eradicate the practice. The first phase, scheduled to end in 2003, and consisting of training and awareness-raising, would shortly be launched. A permanent secretariat, attached to the Ministry, had recently been created to coordinate all activities under the plan of action. It was impossible to legislate against voluntary excision, concerning which, however, the Malian Penal Code contained an article. It was mothers themselves who took their daughters for the operation, and mothers could not be taken to court. While training and awareness should be the first steps towards abolition of the practice, Mali would also avail itself of Burkina Faso's positive experience and consider the drafting of a legal text by 2003, although it was equally aware of Senegal's failed attempt at legislation.

27. Mr. BALLO (Mali) said the Ministry of Health, Solidarity and Elderly People was working with health centres on a draft civil status formula. All

births were recorded in a register, and the relevant documents were transmitted to the village civil status office, on which basis the birth certificate was prepared. Where there was no health structure for dealing with births, they were registered by village moderators. Although, owing to the obvious difficulties, coverage was not yet nationwide, that was the Government's aim, so that every Malian without exception would possess proper documentation. The same format existed for nomadic areas. Since nomadic communities were constantly on the move, mobile workers also assisted with registrations. While nomadic and sedentary communities received similar treatment, it was necessarily adapted to each area.

28. Mrs. DIARRA THIERO (Mali) added that it was also possible to obtain a birth certificate through the court system.

29. Mr. B. MAIGA (Mali), replying to Mrs. Ouedraogo's question about the travelling libraries, said that most sectors had a municipal library, which was supplemented at the local level by mobile periodicals libraries serving the urban centres and some villages. The travelling library system had been developed along the railway lines because railways were a heavily-used means of transport which also provided passengers with time to read.

30. Corporal punishment was prohibited in the schools, but until recently no follow-up mechanism had existed for verifying compliance other than through the school principal. To correct that and other problems in Malian schools, the Ministry of Basic Education, together with all the school's partners - parents, pupils, teachers and teachers' unions - had established a school management committee, which dealt with all areas of school life.

31. Mrs. DIARRA THIERO (Mali) added that corporal punishment was prohibited and heavily penalized in adult prisons and, a fortiori, in children's remand centres. The statutes of both private and government institutions for minors prohibited corporal punishment and representatives of the corresponding ministry were permitted to conduct surprise visits to verify compliance. Concealed incidents of corporal punishment might occasionally occur, but the situation in general did not reflect a lack of will by the authorities to correct the problem.

32. In reply to another question, she said that children in difficulty frequently participated in activities organized by university students during school vacations. Members of the Government contributed financially and in kind to such activities and frequently awarded honorary diplomas to the students who conducted them.

33. Regarding the censorship bill, she explained that the National Film Censorship Committee had been revived in response to pressure from children's and women's rights groups and even expanded as a result of a decree issued by the Council of Ministers. Following protests to the Ministry of Communications, the groups in question had even succeeded in having posters depicting pornographic films removed from the entrances to cinemas, where children had been able to see them. It was, unfortunately, impossible to censor video films, which reached Malian television screens directly through foreign television stations. In such cases it was the family's responsibility

to help children select appropriate television programmes and the State's role was limited to awareness-raising and information campaigns, in cooperation with NGOs.

34. Of greatest concern with regard to films, however, was the problem of violence. Foreign television had brought previously unknown forms of violence to Mali, which had had a particularly negative effect on young people. It was for the international community to address that problem, by approaching the countries owning the television stations that broadcast such films. Mali had for the moment been spared some of the worst forms of juvenile violence, such as mass killings of the type recently seen in the United States, but it knew that it was not immune to such problems, and the Ministry of Youth was doing its best to forestall them.

35. Concerning the structure for reporting child abuse, she referred to the community disapproval of corporal punishment mentioned in the reply to question 15. Unlike Europe, Mali was still a highly community-oriented society, and anyone hearing cries or other signs of violence usually intervened directly with the head of the family and even complained to the police if necessary. The authorities developing family policy would endeavour to preserve that traditional system of conflict settlement, which reflected the cultural values of Malian society and had functioned very effectively so far.

36. The CHAIRPERSON invited the members of the Committee to ask follow-up questions on clusters IV and V of the list of issues.

37. Mrs. KARP asked what was being done to combat forced marriages other than those arranged from birth, which she understood existed in Mali, in complete violation of human rights. Second, polygamy was apparently still practised there. In view of research proving the negative effects of polygamy on children, she wondered whether any attempt was made to enlighten the public in that respect. She would also like to know how a child's freedom to lodge a complaint against a parent was compatible with the requirement that the child should be accompanied by a parent or guardian when giving evidence. Finally, she wondered whether the authorities had considered using the national insurance system to recover maintenance for children.

38. Mrs. TIGERSTEDT-TAHTELA asked whether national policy permitted therapeutic abortions, what the penalty was for a woman who obtained an illegal abortion and whether such a woman was able to receive medical and psychological treatment. She would also like to know the status of children born out of wedlock and whether an under-age woman who became pregnant out of wedlock was punished.

39. Mrs. OUEDRAOGO agreed with the delegation's comments on the role of parents in supervising children's access to films and television programmes, which was particularly important in connection with the private video showings which often took place in villages throughout the subregion. Regarding excision, she agreed that a law would be premature in the context described by the delegation, but welcomed the Government's political will to combat that practice. She noted that there did not appear to be a problem of discrimination against castes in Mali. Regarding violence, she had been

pleased to hear that police officers and gendarmes received training relating to the Convention, and asked whether there were plans to institute such training in police and gendarmerie training schools.

40. Concerning family environment, she asked about the role of the parents in divorce proceedings, whether the problem of non-registration of Muslim religious marriages existed in Mali, and if so what was being done to address it. She would also like to know how maintenance was recovered in cases of traditional marriages not registered at the town hall. Regarding informal adoption, she asked for further details about the membership and operation of the National Committee to Study Inter-Country Adoption and Combat Traffic in Children mentioned in the reply to question 18. She also asked what was done to prevent informal adoptions from leading to the exploitation of children. In connection with the reply to question 19, she asked whether the job training for "garibu" might be extended to all children. As the delegation had stated that begging was prohibited, she asked what was done to meet the needs of people who begged out of economic necessity, and whether Mali experienced the problem, common in the subregion, of women who "rented" children in order to beg. Lastly, she asked what efforts were being made to combat the breakdown of emotional ties between parents and between parents and children referred to in paragraph 57 of the report.

41. Mrs. SARDENBERG, referring to the reply to question 18, asked how the traditional form of adoption known as "kalifa" operated and how the Government's framework agreement with NGOs on foster care was followed up. The reply to question 19 stated that there were no statistical data on violence, yet the Committee had received reports of trafficking in children at Mali's borders. She would like to know more about the Government's efforts to combat such trafficking, which affected the entire subregion and needed to be addressed through concerted subregional and international action.

42. Mrs. DIARRA THIERO (Mali), replying to the questions on marriage and polygamy, said that polygamy was officially recognized as a form of marriage in Mali. Furthermore, it was accepted by Islam and three quarters of the population were Muslim. On the day of the wedding, the couple decided whether they would opt for a polygamous or monogamous marriage. In a polygamous situation, the property and assets of the spouses were separated.

43. A man could not have more than four wives, each wife representing a separate household. Nevertheless, polygamy could prove to be an extremely frustrating experience for women. Unlike the trend in Europe, in Mali a single woman tended to be looked upon askance and was not given the respect conferred upon the married woman. Consequently, many women accepted the situation in search of respectability.

44. Of course, a polygamous marriage stirred up competition among the wives for the favour of their husband and men took advantage of the situation to mete out unfair treatment to both wives and children. Polygamy also provided the means to have a large number of children who could help on their father's plantation. Sometimes, it was the women who asked their husbands to take another wife, as in the case of rural women who were often so overworked that they saw another wife as potential relief.

45. Under the pressure of economic factors, polygamy might one day disappear. However, if the law on polygamy were to be repealed, even women would oppose it because such had been the situation for generations and women generally resigned themselves to it. Adultery was punishable by law, but men in Mali wielded so much power that only a few women resisted and sought to end the union in divorce. In any case, polygamy could arise even in an officially monogamous marriage.

46. Many people preferred to marry in a religious ceremony only, ignorant of the fact that such marriages were not valid under the law. For a marriage to be legally valid, a civil ceremony had to take place. As a result, many women found themselves eventually deprived of a widow's pension because they were not, in fact, the legal wives of their late husbands. The Government was currently considering levelling sanctions against the couple's parents for allowing a religious wedding, since the ceremony normally required their consent.

47. The CHAIRPERSON, referring to the situation in her own country, Indonesia, also a Muslim country, where it was the responsibility of the religious leader to inform the civil authorities, asked whether such a measure had been considered by the Malian Government.

48. Mrs. DIARRA THIERO (Mali) reiterated that in Mali the prevailing legislation provided for civil marriages, even if a religious ceremony was held to "bless" the union.

49. In the case of ill-treatment of a child, a parent would be willing to accompany the child to report it to the police or health authorities if that parent was not responsible for the bad treatment. Otherwise, children were free to lodge complaints themselves with human rights organizations or the juvenile judge.

50. With respect to maintenance, the Government had difficulty penalizing non-payment of maintenance. The courts demanded child support in the case of divorce or a request made by the mother of a child born out of wedlock. However, considering that divorce did not take place by mutual consent in Mali, a father might refuse to pay alimony to spite the mother. In addition, the lengthiness and prohibitive cost of civil proceedings were deterrents to women without the means to institute them. Mali was studying the possibility of imitating the system employed in Tunisia, whereby fathers would have maintenance deducted directly from their salaries and paid into a fund, supplemented by public funds, from which mothers could be paid.

51. Abortion was punishable by law. However, if a young girl became pregnant subsequent to a rape and aborted the child, the authorities tended to be sympathetic to her case. In cases where both the lives of the mother and the unborn child were in danger, doctors would explain the situation to the husband/expectant father and ask him to choose between the life of his wife or his unborn child. Men tended to opt for saving their wife's life, reasoning that if she lived she could probably have another child. The authorities also tended to be lenient in such cases.

52. Where a clandestine abortion had been badly performed, leaving sequelae, it would be incumbent upon the doctor consulted to inform the authorities. However, some doctors chose to assist the patient without passing through the legal channels. With respect to HIV/AIDS, the delegation would obtain up-to-date information on whether or not and how the problem was affected by the latest legal reforms.

53. Replying to the question concerning children born out of wedlock, she said that traditions persisted in Mali, where contraception had been taboo for years. In the past, however, unmarried girls who became pregnant might have been expelled from school whereas they were currently allowed to continue their education. What was more, the parents of those girls would accept the offspring, whereas in the past the girl's situation might have been perceived as a disgrace. Of course, there were a few cases where the traditional view prevailed.

54. As to harmful exposure of children to certain video material, it was indeed a problem, especially with the increased accessibility to modern technology. However, it was a question of raising awareness and the Government intended to address that.

55. With regard to adoption, it was customary for persons to assist a sibling in financial difficulty by taking one or more of the latter's children and raising them as their own. The same applied if a child from the rural area had to attend school in the city; he would be sent to live with a city-dwelling relative or even a non-related family who would treat the child as their own. In the event of ill-treatment, neighbours or the child himself could report the abuse.

56. Replying to the question by Mrs. Ouedraogo on the tradition concerning twins, she confirmed that the custom also existed in Mali. Twins had to be taken out to beg as a way of getting rid of what was believed to be a spell cast on them for being born twins in the first place. Initially it was not meant to be a source of income. However, a report carried out on beggar women in Bamako had revealed that some parents were practising the custom for pecuniary gain. The tradition was so deeply entrenched that it would be difficult to uproot it in the near future and the Government needed all the help it could obtain from civil society. The delegation could not promise that that predominantly urban practice would have been eliminated by the time the next report was submitted to the Committee but hoped that improvements would have been made by then.

57. Many children resorted to living on the streets because of problems at home. Some were placed in centres and from there efforts were made to reintegrate them in their families; others were sent to work as apprentices. In fact, the reason the centres were day centres without providing facilities for spending the night there was to encourage children to return home to their families.

58. As to the cross-border trafficking of children, she had herself conducted a mission which had revealed that Malian children had been taken across the border to Côte d'Ivoire to work on Ivorian plantations in deplorable conditions, often without pay. The Government had drafted a

short- and long-term plan aimed at stemming the problem and had sensitized all the various actors, including judges, the police, religious leaders, transport services and regional governors. Time-frames had been set for the objectives.

59. UNICEF had assisted in repatriating some of the children to Mali. Forty-six children had thus been returned to their parents. It should be pointed out that the same child had never undergone the experience a second time. However, as children did not speak to their peers about their experience, the Government had assumed the role of raising public awareness and had launched an information campaign using the print and electronic media, and had also prepared a draft convention.

60. The CHAIRPERSON reminded the delegation that there were outstanding questions on forced marriages, the possible introduction of the Covenant in the curriculum of police academies and foster care to be answered, which would be deferred to the next meeting.

The meeting rose at 6.05 p.m.

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Twenty-second session

SUMMARY RECORD OF THE 572nd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 29 September 1999, at 10 a.m.

Chairperson: Mrs. MBOI

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CONSIDERATION OF REPORTS OF STATES PARTIES (continued)

Initial report of Mali (continued)

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GE.99-44466 (E)

The meeting was called to order at 10.25 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Mali (continued) (CRC/C/3/Add.53; HRI/CORE/1/Add.87; written replies of the Government of Mali to the questions in the list of issues (document without a symbol, distributed in the meeting room in English and French))

1. At the invitation of the Chairperson, the members of the delegation of Mali resumed their places at the Committee table.

2. The CHAIRPERSON invited Committee members to put questions concerning health and welfare, education, leisure and cultural activities.

3. Mr. DOEK, noting that infant mortality rates among children under 1 and under 5 remained high despite the country's efforts, asked whether specific measures were envisaged for remedying the situation. Recalling that the authorities had undertaken information and counselling activities for young people on HIV-AIDS prevention, he asked whether there were also structures to assist infected persons (for instance, care centres). Given the exorbitant price of available medicines, were any measures foreseen to facilitate their use? Were there any projects to expedite the Government's action against drug abuse?

4. Mrs. OUEDRAOGO asked how adolescents were catered to in the programmes to raise awareness of and combat AIDS. Were there, for instance, sex education courses and information campaigns in schools? Also, were any measures visualized in order to encourage young people to attend support or care centres by guaranteeing them confidentiality? Mention had been made in the written replies of hygiene and sanitation courses in schools, as well as reproductive health courses. Was any provision made to ensure that young people who did not attend school also enjoyed access to such training?

5. Mrs. TIGERSTEDT-TÄHTELÄ pointed out that while birth control and family planning had become an essential facet of national population policy, very few Malian women used contraceptive methods. It was estimated that 63.5 per cent of them would have already given birth or be pregnant by the age of 18. Were health and reproductive rights education programmes an effective means of reducing early pregnancies, or were they covered by new policies?

6. Mr. RABAH asked whether the numerous projects for improving teaching methods formed part of a global action plan. He would also like to know what the modalities were for implementing parental education programmes and what links existed between parents and schools.

7. Mrs. MOKHUANE said that the society's attitude to teenagers who had sexual relations, the use of condoms, sex education and the survival and development of the child were closely linked to the problem of maternal mortality caused by unwanted pregnancies. Consequently, what measures were taken to foster adolescents' development regarding sex and reproductive education and health and to improve society's attitude to teenagers who had

sexual relations? What measures were being taken to reduce the number of girls under 18 who died from maternity-related causes? How could adolescents obtain condoms? Were any efforts made to raise awareness among families?

8. Mrs. OUEDRAOGO asked what training was provided for traditional midwives. With regard to traditional healers, whose level of hygiene appeared to have improved considerably, she wished to know the areas in which they intervened most, and what contacts they maintained with modern medicine. Were any measures envisaged to protect adolescents and children from accidents, notably in schools?

9. Mrs. KARP said that a fundamental problem in many sectors, especially health, was the shortage of skilled labour. Stressing that it was vital to encourage the training and recruitment of professions, she asked whether there was a national strategy designed to promote skills upgrading.

10. Mr. DOEK asked whether the social protection bill contained specific provisions for integrating handicapped children, especially into the school system.

11. Mrs. MOKHUANE asked whether the listening and counselling centres for HIV-infected persons set up by the Government existed throughout the country, including rural areas. If so, were they easily accessible to adolescents and children? She also asked whether seropositive children were protected in schools. Were they discriminated against, and, if so, how was the problem dealt with? The education statistics available showed a disparity between the enrolment rates of boys and girls, as well as a drop in school attendance by girls. She therefore wished to know what measures were being taken to improve girls' access to education and reduce the causes of dropping-out, and whether they included attempts to change the attitude of society as a whole towards girls.

12. The meeting was suspended at 10.55 a.m. and resumed at 11 a.m.

13. The CHAIRPERSON invited the members of the delegation to reply to the Committee members' questions.

14. Mr. BALLO (Mali) explained that the Ten-Year Sanitation and Social Development Programme (1998-2007), the five-year phase of which had begun, comprised various measures aimed at reducing infant mortality. It also covered the fight against AIDS, especially in the context of expanded health-care coverage. Where clinics and dispensaries were concerned, the decision had been taken not to create special centres for AIDS patients, but to treat them in existing hospitals and dispensaries to avoid isolating them and to assure them of a degree of confidentiality. True, the cost of treatment was very high, with estimates suggesting that the number of cases foreseen under the National Anti-AIDS Programme would require more than 2 billion CFA francs per year. It was planned to set that amount aside in the budget under the Five-Year Programme, but the Government also appealed to its partners in an effort to contain and balance health expenditure.

15. A national reproductive health programme for raising the awareness of adolescents had been drawn up under the Ten-Year Plan and the Five-Year

Programme. It was designed for children and young people aged 10-24 and was being implemented in schools and education centres and in the districts. Since 1990, emphasis had been placed on access to contraceptive methods, independent of the fight against AIDS. A community-based distribution (DBC) and familiarization programme, in which agents in all regions and most villages distributed condoms, was also in progress. Another programme, implemented with the help of non-governmental organizations (NGOs), including the Malian Association for Family Protection and Promotion, involved the sale of condoms and other contraceptives. However, it must be remembered that Malian society maintained deep-rooted traditions, and changes in behaviour were still tentative. Action therefore needed to be gradual.

16. Traditional midwives had been covered by the Ministry's primary health-care programme since its inception. However, their participation in the health system was not without its problems. It had been established that serious hygiene problems arose unless they were regularly monitored (by qualified personnel at least once a month). Accordingly, only supervised midwives had been integrated into the system. While he acknowledged the important role of traditional healers in Mali, it was nonetheless essential to distinguish between genuine healers and charlatans. The Ten-Year Plan contained provisions for the development of traditional medicine, notably in collaboration with the National Public Health Research Institute and its branches. Some traditional products were already on sale in pharmacies. Moreover, healers and care centres worked in unison and exchanged patients. When a healer was recognized, cases could be referred to him (often trauma cases) and, by the same token, he could refer his patients to the health centres when he considered their case to be beyond his competence.

17. Some listening and counselling centres for AIDS victims were beginning to spring up in Bamako; they were few in number because the heads of the centres needed to be qualified and conscious of the need for confidentiality. No information was available concerning the problems that AIDS-infected children might encounter at school, because they either kept silent about their disease or were not sent to school.

18. Mr. Mohamed MAIGA (Mali) said the NGOs that provided assistance to prostitutes in Bamako had discovered a number of AIDS-affected children, in the sense that they were not infected with the disease, but were suffering its consequences, such as orphanhood. Those children received assistance from the social services in the form of an allowance paid to their families for medicines and school materials. There was no reintegration system in place.

19. Mrs. THIERO (Mali) explained that one NGO was conducting AIDS-related activities in some rural areas in collaboration with the population. No differentiation was made in schools, so as to avoid ostracism or exclusion of AIDS-infected children.

20. The CHAIRPERSON said that a problem subsequently arose, when those children became adolescents and began to have sexual relations. What had been envisaged in that connection? The increase in AIDS cases had both social and economic repercussions. She wished to know how effective the reproductive health programme had been in terms of AIDS prevention and birth control.

21. Mrs. THIERO (Mali), replying to Mrs. Mokhuane's questions, confirmed that condoms were distributed to adolescents and that parents were also alerted to the issue of AIDS and contraception.

22. Mr. BALLO (Mali) said that evaluations conducted showed the progress made despite the slow changes in attitude, especially in rural areas. There were plans to continue implementation of the reproductive health programme, focusing attention on young people between 10 and 24 years of age.

23. Turning to human resources, he said that the health and education sectors employed a great many qualified staff and that since 1994, 200 additional jobs per year had been negotiated, quite an achievement given the country's budgetary difficulties. In that regard, mention should be made of the recent meeting with the partners of the support mission for human-resource development which formed part of the Ten-Year Plan.

24. Mr. Mohamed MAIGA (Mali), referring to accidents in the vicinity of schools in Bamako, said it had been noted that there were no signs warning motorists to watch out for children going home from schools, which were often situated close to main roads. That being so, and since the municipal authorities did nothing to control rush-hour traffic, a "zero accident" initiative had been launched in Bamako.

25. The law on social protection provided for the education of the disabled and their integration into social and professional life.

26. Mr. Bonaventure MAIGA (Mali) said that the law on educational guidance comprised two parts: integration of disabled children and adolescents in regular schools and community-based rehabilitation. Disabled children who could not attend regular schools were taught in special schools. All those elements were also covered by the aforementioned law on social protection.

27. Mrs. THIERO (Mali) said there was as yet no specific programme for fighting drug abuse, but the delegation would contact the Ministry of Health on that subject.

28. Mr. Bonaventure MAIGA (Mali), in response to Mr. Rabah's question, said that in the aftermath of the emergence of democracy, meetings had been organized on education and had led to the conclusion that it was unsuitable and of poor quality. Accordingly, on the initiative of the Head of State, it had been decided in 1997 to overhaul the entire education system in accordance with the Ten-Year Programme for the Development of Education. The main point of that programme was to introduce national languages as a subject of study and the language of instruction, since children learned more quickly and lastingly in their mother tongue.

29. One measure required for improving the quality of education was a review of teacher-training syllabuses. Such a review was under way and would adapt them to Mali's social and cultural context.

30. The CHAIRPERSON asked whether article 28 of the Convention had been taken into account in the reform process.

31. Mr. Bonaventure MAIGA (Mali) said that a vast education programme on the culture of peace was to be implemented and would serve to make the Convention more widely known.

32. Mrs. THIERO (Mali), replying to a question from Mrs. Mokhuane, said the enrolment rate among girls was indeed lower than that of boys, but that it was increasing noticeably owing to efforts in that domain, including the girls' enrolment programme of the Ministry of Education's girls' enrolment programme designed to raise parental awareness, and the UNESCO-funded programme, "I want to be like all the girls in my village". Other concrete steps had been taken, such as the building of canteens and girls' toilets in schools located far from children's homes. Another principle was to set up or improve village infrastructure so that girls would not have to work and could attend school. Awareness-raising activities were conducted among girls to dissuade them from early marriage and from dropping out of school. The Ministry of Education had also raised the ban on pregnant girls' continued school attendance.

33. Mr. DOEK stressed the importance of the information provided in the written reply to question 30, to the effect that a national programme to combat child labour had been put in place in conjunction with the International Labour Organization (ILO). On the question of the juvenile justice system, he would like to know how a judge determined whether the author of a crime had acted with or without due discernment. What measures were taken when an offender claimed to lack due discernment? Also, what was the tenor of the new legislation on criminal responsibility of minors which the Government intended to prepare? What was the status of the children's bureaux attached to the courts? Were they equivalent to minors' tribunals?

34. It had been acknowledged in the report and the written replies that the legal provision whereby detained minors and adults were to be housed separately could not be enforced owing to the lack of resources. Were there any plans to build detention centres for minors?

35. Mrs. MOKHUANE said that the Government's programmes on leisure and cultural activities appeared to deal exclusively with children who attended school. Mali was the country in West Africa with the highest percentage of working children. What specific measures were in place to ensure that all children benefited from the right to leisure? What did the Government have in mind for dealing with the minors in policy custody, which could last as long as two days?

36. Mrs. KARP inquired how many minors were kept in detention and for what crimes, and, when convicted what sentences were passed on them. She asked whether any statistical data were available on children in conflict with the law, pointing out their usefulness for the preparation of policies suited to Mali's situation. She would like some explanation of the claim made by some that trial proceedings were extremely long and that the 48-hour limit on police custody was not always respected. Was there any programme for establishing a genuine juvenile justice system in all regions and, if so, what was the schedule? More specifically, when would Mali have a full juvenile justice system comprising all the necessary juvenile courts? It would also be interesting to know the basis on which a judge determined a sentence. Was the social welfare report on which a sentence was apparently based drawn up by

social workers? In the absence of such a report, how did the judge gauge the gravity of the crime? Lastly, it would be useful to know whether there was a complaints mechanism accessible to children whose rights were violated in detention centres and whether children were separated from adults in prisons. It had been alleged that adult prisoners had mistreated and even raped children in prison. Were the authors of those crimes prosecuted and, if so, were they convicted?

37. Mr. RABAH, referring to the reply to question 32 which claimed that commercial sexual exploitation and abuse of children were not yet visible in Malian society, so that there were no specific activities to deal with them, asked whether that meant the Malian Government took no measures in that regard, even for prevention purposes.

38. Mr. TRAORE (Mali) said the minimum age of criminal responsibility was 13. From that age onwards, the judge sought to discover whether a child's criminal responsibility could or could not be implied on the basis of the child having acted with or without due discernment. To that end, the judge examined the circumstances in which the crime was committed, relying on the social report. That report was usually prepared by social workers who investigated the child's environment; in the absence of social workers, the judge called on the investigators or police officers for information concerning the child and the circumstances of the crime. If the judge considered that the minor - in other words, any person between 13 and 18 years of age - had acted with full knowledge of the facts and the consequences of his behaviour and, therefore, with due discernment, he could convict the child. If he felt that the child had not acted with due discernment, he would not institute a trial and the child would be returned to his family. A minor could not be sentenced to death or to forced labour.

39. On the subject of the organization of justice, the law provided for juvenile courts and a minors' court of assizes, as well as the setting up of minors' bureaux, the latter falling within the jurisdiction of the minor's court and comprising representatives of the Ministries of Social Welfare, Youth, and Health. The law also provides for the creation of three minors' courts across the national territory. It had recently been decided to appoint minors' counsellors in the juvenile court of assizes, separate from the assessors who advised the judge in the adult court of assizes.

40. Since June 1999, detained minors had been placed in the Bollé Observation and Rehabilitation Centre close to Bamako, where they were kept quite separate from adults. They had formerly been detained in the juvenile block of the Bamako prison. At the Bollé centre 30 of the 46 minors lived in closed cells and 16 in an open environment. The minors could learn a trade and enjoyed access to leisure activities. Generally speaking, detained minors were prosecuted for lesser offences, mainly theft. Minors who had not committed an offence but risked becoming delinquents were sometimes placed in a rehabilitation centre at their parents' request.

41. Any maltreatment to which minors might be subjected in prison could be discovered by the guards, the prison governor or even by the Attorney-General

on his periodic visits. The problem of the length of pre-trial detention was a real one and was under consideration with a view to correcting any procedural shortcomings and improving the handling of cases involving minors.

42. Mrs. THIERO (Mali), noting that she had been a state prosecutor before becoming a minister, said it was not unusual for young offenders, especially older ones, even before their trial, to be abandoned by their parents because they brought shame on the family or because the parents could not cope with the situation. If the bench could not locate a child offender's parents, he was kept in a place separate from adults, either on police premises or in the children's block of a rehabilitation centre for the duration of the social investigation. When the parents had been traced the child was returned to them. She confirmed that all minors formerly placed in the Bamako prison had been transferred to the Bollé Observation and Rehabilitation Centre, which was well equipped to cater to their needs.

43. She denied the allegation that in 1996 10 of the 325 children incarcerated had been convicted, and expressed astonishment that it had reached the Committee's ears. In fact, those figures referred to a period of confrontation and various demonstrations in which students had committed acts of vandalism. She said that not all of the 325 cases cited concerned children. The youngest students were 15 years old and some had wished to remain in prison out of solidarity with their colleagues. Ten had been found guilty. The Government had subsequently amnestied all the demonstrators, so that the young people's dossiers had been wiped clean. To the question of the type of offences committed by minors, she replied that it had been theft for the most part and that in recent years not one minor had been convicted in the court of assizes.

44. Mr. TRAORE (Mali) explained that police officers or investigators who kept a person in police custody for more than 48 hours without legal authorization were reprimanded by the Attorney-General when he discovered it.

45. Mrs. THIERO (Mali) said she was not aware of cases of sexual abuse or rapes committed by adults against children in prison. By and large, if the children remained silent the facts were not discovered and the justice system could do nothing. However, if the facts were known, notably if they had been established by the prison governor or the Attorney-General, they were punished in accordance with the Penal Code; the sentence was harsher if a child was sexually abused. It was not unknown for minors in prison to have homosexual tendencies, making their relationship with other inmates difficult. As a precaution, and also to reduce the risk of AIDS infection, those prisoners were often released.

46. Mrs. THIERO (Mali) said her country was currently preparing a 10-year programme designed to avoid many children coming into conflict with the law. However, the crime rate in Mali was nothing like in modern countries. The few children who abused drugs - sniffing glue, for instance - were usually taken in hand promptly and were not sent to the main prison. There were abundant cases of migrant girls arrested for alleged theft of clothes or jewellery, but their employers quite often accused them of stealing in order to avoid paying them.

47. The CHAIRPERSON invited the Malian delegation to reply to the questions left pending from the previous meeting (children's leisure, forced marriage, child rights education in police colleges, and placement in families).

48. Mr. RABAH called for information on the measures taken by the Malian Government to deal with sexual abuse.

49. Mrs. KARP asked how many child offenders there were in cities and rural areas, and in what circumstances the prosecutor was allowed to extend the 48-hour legal limit on custody.

50. Mrs. THIERO (Mali) said that forced marriage was banned under the Marriage and Guardianship Code. The prospective spouses were required to give their consent to the civil registrar on the day of the marriage. There was also such a thing as "secret marriages" which had no legal validity. Forced marriages were becoming rarer in Mali, and it was interesting to note that country-dwellers availed themselves of the civil registry services more than town-dwellers. At mosque weddings, since the bride and bridegroom were not present, the witnesses were required to seek their opinion.

51. Turning to children's leisure, she said that libraries, parks, sports fields and cultural centres were all available in the capital, and film shows were organized by schools. The Government had the political will to organize various leisure activities in the "children's block". However, the Convention was not yet taught in police-training colleges.

52. Mr. Mohamed MAIGA (Mali), referring to children's placement in families, said there was a tacit agreement between the NGOs and the Government with regard to difficult children aged 8-12, who were handed over to the associations that managed the centres, where they were housed pending location of their parents. None of those centres were currently State-run.

53. Mrs. THIERO (Mali) said that since international traffic in children had been detected in those centres, a decree would be issued and would govern all children's centres, which would henceforth come under her Ministry's direction. The preamble to the Constitution provided that any person detained for questioning in Mali had the right to immediate assistance from a lawyer. The lawful duration of preventive custody was 48 hours. A 24-hour extension could be declared by the prosecutor if the case was very complicated. In general, the investigation was pursued by a commission of inquiry following such an extension. While it was most unusual for police custody of minors to be extended, she was unable to provide reliable statistics. On the question of sexual abuse, she said that in principle such behaviour was not made public. Nevertheless, when cases were officially reported, they fell under criminal law and their perpetrators were therefore liable to conviction. Minors did not have the right to engage in prostitution in Mali: the streets were patrolled by the Morality Squad, who accompanied such minors to the police station and tried to find their parents. There were, nonetheless, cases of very young girls prostituting themselves when their parents were in financial straits.

54. The CHAIRPERSON invited Committee members to share their preliminary observations with the delegation.

55. Mrs. OUEDRAOGO welcomed the fruitful and constructive dialogue that had taken place between the Committee and the delegation. She recognized that the Convention was being implemented in a difficult socio-economic context and that the structural adjustment programme combined with Malian customs had an adverse effect on children. However, she applauded the authorities' political will to implement the provisions of the Convention and to fulfil the commitments made at the World Summit for Children, of which Mali had been an initiator. The current reform, the Children's Parliament and the creation of an ombudsman's post were all highly positive achievements. All the same, the country was still confronted by myriad difficulties relating, for instance, to coordination of activities in favour of children, dissemination of the Convention, traditional practices, the problem of child exploitation, excision, begging and forced marriages. She encouraged the Malian authorities to reinforce the provisions and programmes envisaged in the fields of health and education and to give some thought to the problems posed by working children and children in conflict with the law in order to improve the protection offered to Malian children.

56. Mrs. THIERO (Mali) thanked the members of the Committee for the interest they had shown in her country's implementation of the Convention. She was aware that the tasks before it were still immense and that there was still a need to shape a society in which women and children could live in peace. Mali undertook to take Committee members' observations into account when it came to prepare its second periodic report on the implementation of the Convention, presentation of which she asked to be deferred by one year. She cited the commitments undertaken by her country during consideration of the initial report (review of all the codes, lifting of the reservation to article 16 of the Convention, information system on social protection indicators, strengthening of follow-up mechanisms, consolidation of child participation, review of the draft social protection code, human rights education in police colleges, etc.), and once more thanked Committee members for the warm welcome they had extended to her delegation.

57. The CHAIRPERSON announced that the Committee had completed its consideration of the initial report of Mali. She appreciated the delegation's open-mindedness and goodwill, as well as the country's endeavours to implement the Convention. She hoped that Mali's next report would reflect the progress made.

The meeting rose at 1.05 p.m.